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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,902	06/22/2001	Christine M. Cooper	200-0884	2975
28395	7590	08/11/2006	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,902

Applicant(s)

COOPER ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/17/01; 8/3/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

#### ***Drawings***

The Examiner accepts the drawings filed on June 22, 2001.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "It" is not clearly defined. "It is assumed" fails to establish proper metes and bounds.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth below:

- (1) whether the invention is within the technological arts of:
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e. abstract idea, law of

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nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US 5,704,045) in view of Munoz et al. (US 2002/0198822) and further in view of Rebane (US 6,078,904).

Re claim **1**, King teaches a method for assessing finance company's equity adequacy (col. 10, lines 1-41; col. 3, lines 20-31; King discloses an assessment of projected losses for an enterprise) comprising:

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quantifying the company's sources of creditor protection wherein the sources comprise equity, reserves and net deferred tax liability in the event of an overall loss (col. 3, lines 20-47; col. 13, lines 15-43; King discloses quantifying the amount of equity expectations and liability of the insurer-entity to various external parties and shareholders, as well as providing a means of subdividing the quantum of Reserved Assets);

estimating the company's potential unexpected worst-case losses (col. 2, lines 40-56; King discloses a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. When he discloses more severity than projected or catastrophic events than these events corresponds to unexpected worst-case losses); and

comparing the company's creditor protection to the company's potential unexpected worst-case losses to demonstrate the company's equity adequacy (col. 10, lines 1-54; King compares the proposed risk to a set of underwriting guidelines broadly designed to assure compliance with specific program objectives, capital matching limitations, and system constraints).

However, King does not explicitly teach automotive finance. On the other hand, Munoz discloses automotive finance when he discloses automobile financial products such as vehicle leases or loans (para. 0020, 0022, 0036, 0050-0051; fig. 5). In figure 5, Munoz discloses three tiers of lease products and three tiers of loan products are shown for automobiles. He discloses expected loss data are calculated based at least in part on the application data for a financial enterprise. Thus, it would

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have been obvious to one of ordinary skill in the art to implement automotive finance for a financial enterprise in calculating expected loss data as discloses in Munoz.

Furthermore, King and Munoz do not explicitly teach each of a plurality of exposures with 99.9% confidence. On the other hand, Rebane discloses each of a plurality of exposures with 99% confidence when he discloses a return of confidence interval of 99% (col. 14, line 41 to col. 16, line 39; figs. 7-9). In figure 8, he discloses confidence interval of 99% instead of 99.9% as claimed but he teaches that the bracket displays the symmetrical performance uncertainty within a confidence window into which the portfolio's return will fall. Since there is a confidence window than the 99.9% falls into that bracket. Thus, it would have been obvious to one of ordinary skill in the art to enable exposures with 99.9% confidence within a particular confidence window into which the portfolio's return will fall as discloses in Rebane.

Re claim 2, King teaches sources of creditor protection additionally comprise future tax liability (col. 14, lines 42-67). King discloses some tax related to liability.

Re claim 3, King teaches sources of creditor protection additionally comprise lifetime profits (col. 4, lines 32-45; col. 1, line 60 to col. 2, line 12). King discloses the profitability of long-term contracts similar to royalty interests (royalty is a lifetime profits).

Re claim 4, King teaches a simulation model is implemented to estimate the company's potential unexpected worst-case losses (col. 10, lines 1-; col. 2, lines 40-56). King discloses an interactive pricing model corresponding to simulation model. It is implemented to estimate the company's potential unexpected worst-case losses.

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As for the limitation "each of a plurality of exposures with 99.9% confidence," please note the explanation as stated in claim 1 above.

Re claim 5, King teaches potential unexpected worst-case residual lease exposures are estimated using economic models to factor out historical auction price variations due to seasonality and refreshenings (col. 22, line 29 to col. 23, line 16; col. 2, lines 40-56). King discloses capital support can be subsequently diminished or replaced with transactional capital as actuarial history develops. He also discloses reporting functions to display price variations.

Re claim 6, King discloses experiences a worst-case residual loss (col. 2, lines 40-56; please see the statement in claim 1 above). As for the limitation "it is assumed that every non-defaulting lease vehicle is returned". Please note the motivation in claim 1 above. Furthermore, Munoz teaches non-defaulting lease vehicle is returned when he discloses applicant's default of the lease terms (para. 0058).

Re claim 7, King teaches sources of creditor protection comprises asset classes junior to creditor claims (col. 13, lines 9-11). King discloses claims upon assets and income of an enterprise begins with senior lien debt, then junior lien debt, general creditors, preferred shareholders and finally common shareholders.

Re claim 8, King teaches applying a risk correlation value to the estimated unexpected worst-case losses to yield a risk-adjusted unexpected loss estimate (col. 6, lines 15-53; col. 10, lines 1-54; col. 2, lines 40-56;). King discloses the reserve management subsystem involves a method of balancing the future cash flow liabilities of accepted risks, with the current interests of capital participants against the backdrop of changing interest rates and credit quality of investment portfolios. It involves a

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method of maintaining the statutory reserve position of each participant, the collective transactional capital support available to accept new risks in a variety of different currencies. In that, he also discloses a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. When he discloses more severity than projected or catastrophic events than these events corresponds to unexpected worst-case losses.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stefek et al., US 2003/0110016

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on



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access to the Private PAIR system, contact the Electronic Business Center (EBC) at  
(866) 217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thu Thao Havan'.

Thu Thao Havan  
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8/6/2006